

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

SEGUNDO B. MATHIAS,

Defendant and Appellant.

B215424

(Los Angeles County  
Super. Ct. No. BA350168)

THE COURT:\*

Segundo B. Mathias appeals from the judgment entered upon his conviction by jury of transporting cocaine base (Health & Saf. Code, § 11352, subd. (a)).<sup>1</sup> Appellant admitted the prior conviction allegation within the meaning of Health and Safety Code section 11370.2, subdivision (a), but the trial court struck the prior conviction pursuant to Penal Code section 1385 and imposed the midterm of four years on the conviction.

Appellant's conviction was based upon the following facts: On December 9, 2008, at approximately 10:15 p.m., Los Angeles County Deputy Sheriff Oscar Lopez was on

---

\* BOREN, P. J., DOI TODD, J., CHAVEZ, J.

<sup>1</sup> The jury deadlocked on a count of possession of cocaine base for sale which was dismissed.

patrol in the area of South Eastern Avenue, in the City of Los Angeles. He pulled over a pickup truck for a traffic violation because items in the bed of his truck were not secured.

Deputy Lopez and his partner illuminated the truck and approached it with flashlights. They noticed that appellant had his right hand inside the rear of his pants and ordered him to remove it. Appellant did not have a driver's license, and a check with the Department of Motor Vehicles established that his license was "suspended/expired." Consequently, appellant was arrested for driving without a license and searched.

During the search pursuant to the arrest, the deputies confiscated from appellant's person several items of woman's jewelry. They also confiscated from him and from the ashtray in the truck cash totaling \$507 in various denominations. While detained, appellant's cell phone rang seven to eight times, the calls coming from different numbers. A strip search of appellant at the station uncovered a small piece of paper between his buttocks containing several lumps later found to be 4.25 grams of rock cocaine. No smoking paraphernalia was found, and appellant showed no signs of being under the influence.

Deputy Lopez opined that the cocaine was possessed for sale, based on the quantity, the denominations of the money confiscated, the jewelry, which dealers often obtain in trade for drugs, and the numerous rings on appellant's cell phone while detained.

We appointed counsel to represent appellant on appeal. After examination of the record, counsel filed an "Opening Brief" in which no issues were raised.

On December 3, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.